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PATENT
Attorney Docket No.: A7729/T78410
AMAT No.: 007729 USA/TCG/EPI/AG
TTC No.: 016301-078410US

TOWNSEND and TOWNSEND and CREW LLP

By: /Cindy M. Keefe/
Cindy M. Keefe

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kaushal K. Singh et al.

Application No.: 10/688,797

Filed: October 17, 2003

For: SILICON-CONTAINING LAYER
DEPOSITION WITH SILICON
COMPOUNDS

Confirmation No.: 9712

Examiner: Robert M. Kunemend

Art Unit: 1792

PETITION UNDER 37 CFR §1.705(b)

Box Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants petition the Commissioner for correction of a patent term adjustment under 35 USC §1.705(b). This Petition is being submitted before the payment of the Issue Fee.

The Notice of Allowance indicated a patent term adjustment of 269 days.

Applicants submit this is incorrect. Applicants believe that the patent term adjustment should be 315 days. Presented below is Applicants' calculation basis for requesting a patent term adjustment of 315 days (calculated up to February 21, 2008, the date of mailing of the Notice of Allowance).

Applicants agree upon all calculations up to the date of September 6, 2007. On September 6, 2007, Applicants filed, via EFS Web, a Communication And Request For Termination Of A Suspension Of Action. Five months and sixteen days passed before the Office mailed the Notice of Allowance. Applicants submit that a proper and timely response would have been within four months of September 6, 2007. Thus there exists a delay on the Office's part of forty-six days over and above the allotted four months response time.

This application is not subject to any terminal disclaimer.

In view of the above, Applicants respectfully request that the patent term adjustment period of 315 days be granted for this application. The Commissioner is hereby authorized to deduct a fee of \$200.00, pursuant to 37 CFR §1.18(e), from Deposit Account No. 20-1430 of the undersigned, and charge any additional fees or credit overpayment to the above Deposit Account. However, if the Office agrees that the error is due to the USPTO's incorrect determination of the patent term adjustment, Applicants respectfully request the fee for this Petition be waived.

Respectfully submitted,

/Eugene J. Bernard/

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